

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF BOSTON

FILED
CLERK'S OFFICE

2004 JUL 27 A 11:21

U.S. DISTRICT COURT
DISTRICT OF MASS.

John Paul SMITH
Plaintiff
Pro-Se

No.

04-40107-GA

vs

Geo. Johnson's Wax, et al
Respondent

AFFIDAVIT AND OATH IN
FORMA PAUPERIS, PURSUANT
TO 28 USC 1915(a)

AND NOW, appearing before this Honorable Court, is John Paul SMITH, be he hereinafter be known and referred to as the Plaintiff, who presently is at bench in Pro-Se.

Plaintiff avers the below and ongoing factual information to support this motion.

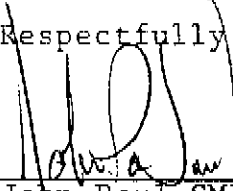
1. Plaintiff is presently incarcerated and unemployed.
2. Due to Plaintiff's handicap, i.e., no legs, he is prohibited even institutional employment that would afford him a small wage.
3. Plaintiff owns no real estate, nor does he derive any monies from pensions or other incomes.
4. Plaintiff "owns" one motor vehicle that is registered to his mother. Presently, the vehicle is offered for sale in order to pay his continuing legal defense upon appeal.
5. Plaintiff has a small inmate commissary account to

provide his toilet items, stamps, paper, pens and envelopes (copy attached hereto).

6. Plaintiff has no-one to advance him the required funds to prosecute this Civil Action at Law.

WHEREFORE, for all of the reasons set forth in the foregoing motion, Plaintiff respectfully prays this Court to grant his relief and enter an order granting pauperis status.

Respectfully submitted,



John Paul SMITH
Reg. No. 04456-087
FMC Devens
P.O. Box 879
Ayer, MA 01432

7-23-04

Inmate Inquiry

Inmate Reg #: 04450087
 Inmate Name: SMITH, JOHN
 Report Date: 07/22/2004
 Report Time: 7:29:09 PM

Current Institution: DEPT OF CORRECTIONS
 Housing Unit: 111
 Living Quarters: B2C-1111

FILED  **PRINT**
 DEPT OF CORRECTIONS OFFICE
 2004 JUL 27 AM 11:21

General Information | Account Balances | Commissary History | Commissary Restrictions | Comments

General Information

Administrative Hold Indicator: No
 No Power of Attorney: No
 Never Waive NSF Fee: No
 Max Allowed Deduction %: 100
 PIN: 7696
 FRP Participation Status: Completed
 Arrived From:
 Transferred To:
 Account Creation Date: 8/12/2003
 Local Account Activation Date: 8/13/2003 4:48:45 AM
 Sort Codes:
 Last Account Update: 7/22/2004 11:25:55 AM
 Account Status: Active
 ITS Balance: \$5.93

FRP Plan Information

FRP Plan Type	Expected Amount	Expected Rate
---------------	-----------------	---------------

Account Balances

Account Balance:	\$870.92
Pre-Release Balance:	\$0.00
Debt Encumbrance:	\$0.00
SPO Encumbrance:	\$59.35
Other Encumbrances:	\$0.00
Outstanding Negotiable Instruments:	\$0.00
Administrative Hold Balance:	\$0.00
Available Balance:	\$811.57
National 6 Months Deposits:	\$2,770.37
National 6 Months Withdrawals:	\$1,899.45
National 6 Months Avg Daily Balance:	\$839.97
Local Max. Balance - Prev. 30 Days:	\$1,165.32
Average Balance - Prev. 30 Days:	\$1,106.74

Commissary History

Purchases

Validation Period Purchases: \$171.15
YTD Purchases: \$1,629.45
Last Sales Date: 7/22/2004 11:25:55 AM

SPO Information

SPO's this Month: 1
SPO \$ this Quarter: \$0.00

Spending Limit Info

Spending Limit Override: No
Weekly Revalidation: No
Spending Limit: \$290.00
Expended Spending Limit: \$171.15
Remaining Spending Limit: \$118.85

Commissary Restrictions

Spending Limit Restrictions

Restricted Spending Limit: \$0.00
Restricted Expended Amount: \$0.00
Restricted Remaining Spending Limit: \$0.00
Restriction Start Date: N/A
Restriction End Date: N/A

Item Restrictions

List Name	List Type	Start Date	End Date	Userid	Active
-----------	-----------	------------	----------	--------	--------

Comments

Comments:

Inmate Statement



Inmate Reg #: 04456087 Current Institution: Dev. Inst. No.
 Inmate Name: SMITH, JOHN Housing Unit: 1007
 Report Date: 7/23/2004 Living Quarters: PM 1200
 Report Time: 7:12:09 PM

Alpha Code	Date/Time	Reference#	Payment#	Receipt#	Transaction Type	Transaction Amount (\$171.15)	Encumbrance Amount Ending Balance
DEV	7/22/2004 11:25:55 AM	8			Sales		\$870.92
DEV	7/15/2004 12:31:04 PM	52			Sales	(\$17.95)	\$1,042.07
DEV	7/12/2004 5:03:02 PM	ITS0712			ITS Withdrawal	(\$30.00)	\$1,060.02
DEV	7/9/2004 11:26:19 AM	10			Sales	(\$75.30)	\$1,090.02
DEV	7/7/2004 1:07:18 PM	259			SPO		(\$59.35) -----
DEV	6/21/2004 11:48:06 AM	34			Sales	(\$195.90)	\$1,165.32
DEV	6/19/2004 7:35:44 PM	ITS0619			ITS Withdrawal	(\$60.00)	\$1,361.22
DEV	6/14/2004 5:30:59 PM	99			Sales	(\$64.35)	\$1,421.22
DEV	6/14/2004 2:19:44 PM	16588		1089835	Local Collections	\$615.34	\$1,485.57
DEV	5/24/2004 11:14:11 AM	5			Sales	(\$143.45)	\$870.23
DEV	5/10/2004 11:24:27 AM	11			Sales	(\$22.20)	\$1,013.68
DEV	5/9/2004 8:18:32 PM	ITS0509			ITS Withdrawal	(\$60.00)	\$1,035.88
DEV	5/6/2004 2:15:32 PM	14171		1079573	Local Collections	\$275.00	\$1,095.88
DEV	5/3/2004 2:30:39 PM	13957		1088595	Local Collections	\$275.00	\$820.88
DEV	5/3/2004 11:07:49 AM	4			Sales	(\$44.70)	\$545.88
DEV	4/30/2004 11:29:53 AM	25			Sales	(\$0.95)	\$590.58
DEV	4/28/2004 1:44:24 PM	13636		1079563	Local Collections	\$250.00	\$591.53
DEV	4/26/2004 11:21:18 AM	3			Sales	(\$103.20)	\$341.53
DEV	4/19/2004 11:26:13 AM	14			Sales	(\$170.25)	\$444.73
DEV	4/5/2004 5:16:42 PM	63			Sales	(\$7.60)	\$614.98
DEV	4/1/2004 4:33:03 PM	ITS0401			ITS Withdrawal	(\$60.00)	\$622.58
DEV	3/23/2004 11:25:39 AM	14			Sales	(\$302.10)	\$682.58
DEV	3/17/2004 7:45:56 PM	ITS0317			ITS Withdrawal	(\$10.00)	\$984.68
DEV	3/11/2004 4:55:08 PM	ITS0311			ITS Withdrawal	(\$20.00)	\$994.68
DEV	3/10/2004 1:46:33 PM	10571		1089798	Local Collections	\$1,000.00	\$1,014.68
DEV	3/9/2004 5:39:12 PM	54			Sales	(\$29.30)	\$14.68
DEV	3/7/2004 7:58:12 PM	ITS0307			ITS Withdrawal	(\$10.00)	\$43.98
DEV	3/5/2004 11:24:55 AM	20			Sales	(\$91.80)	\$53.98
DEV	3/4/2004 4:50:08 PM	ITS0304			ITS Withdrawal	(\$20.00)	\$145.78
DEV	3/1/2004 11:15:59 AM	7			Sales	(\$189.25)	\$165.78
DEV	2/27/2004 1:29:10 PM	9804		1089788	Local Collections	\$355.03	\$355.03

1

Total Transactions: 31

Totals: \$870.92 (\$59.35)

Current Balances

Alpha Code	Available Balance	Pre-Release Balance	Debt Encumbrance	SPO Encumbrance	Other Encumbrance	Outstanding Instruments	Administrative Holds	Account Balance
DEV	\$811.57	\$0.00	\$0.00	\$59.35	\$0.00	\$0.00	\$0.00	\$870.92
Totals:	\$811.57	\$0.00	\$0.00	\$59.35	\$0.00	\$0.00	\$0.00	\$870.92